

Senate Bill No. 2031

Passed the Senate August 25, 2000

Secretary of the Senate

Passed the Assembly August 21, 2000

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor

└

CHAPTER _____

An act to amend Sections 101 and 473.15 of, and to amend and repeal Section 2475 of, of the Business and Professions Code, and to amend Section 1.5 of an initiative act entitled “An Act to establish a board of osteopathic examiners, to provide for their appointment, and to prescribe their powers and duties; to regulate the examination of applicants, who are graduates of osteopathic schools, for any form of certificate to treat disease, injuries, deformities, or other physical or mental conditions; to regulate the practice of those so licensed, who are graduates of osteopathic schools; to impose upon said board of osteopathic examiners all duties and functions, relating to graduates of osteopathic schools, holding or applying for any form of certificate or license, heretofore exercised and performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 2, 1913, and acts amendatory thereof” approved by electors November 7, 1922 (the Osteopathic Act), relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

SB 2031, Figueroa. Professions and vocations.

Existing law provides for the Department of Consumer Affairs to regulate certain professional boards.

This bill would make additions, corrections, and deletions to the list of boards regulated by the department.

This bill would also revise licensing requirements relative to the practice of podiatric medicine.

Existing law provides that the Joint Legislative Sunset Review Committee shall review certain boards regulated by the department.

This bill would make changes to the dates of reviews and the boards reviewed.

The Osteopathic Act, an initiative measure approved by the electors on June 2, 1913, provides for the regulation



and licensing of osteopathic physicians and surgeons in this state by the Osteopathic Medical Board of California. The board presently consists of 5 licensed osteopaths and 2 members of the public.

This bill would increase the number of public members to 4. The Governor would appoint 2 of the public members, and the Senate Committee on Rules and the Speaker of the Assembly would each appoint the other 2 public members. This bill would also provide that support for specified functions of the Osteopathic Medical Board of California shall be transferred to the Department of Consumer Affairs, as specified.

This bill would incorporate additional changes in Section 101 of the Business and Professions Code proposed by SB 1046, to be operative if SB 1046 and this bill are both enacted and become effective on or before January 1, 2001, and this bill is enacted last.

The people of the State of California do enact as follows:

SECTION 1. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

- (a) The Dental Board of California.
- (b) The Medical Board of California.
- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Veterinary Medical Board.
- (f) The California Board of Accountancy.
- (g) The California Architects Board.
- (h) The Bureau of Barbering and Cosmetology.
- (i) The Board for Professional Engineers and Land Surveyors.
- (j) The Contractors' State License Board.
- (k) Bureau for Private Postsecondary and Vocational Education.
- (l) The Structural Pest Control Board.
- (m) The Bureau of Home Furnishings and Thermal Insulation.
- (n) The Board of Registered Nursing.



- (o) The Board of Behavioral Sciences.
- (p) The State Athletic Commission.
- (q) The Cemetery and Funeral Bureau.
- (r) The State Board of Guide Dogs for the Blind.
- (s) The Bureau of Security and Investigative Services.
- (t) The Court Reporters Board of California.
- (u) The Board of Vocational Nursing and Psychiatric Technicians.
- (v) The Landscape Architects Technical Committee.
- (w) The Bureau of Electronic and Appliance Repair.
- (x) The Division of Investigation.
- (y) The Bureau of Automotive Repair.
- (z) The State Board for Geologists and Geophysicists.
- (aa) The Respiratory Care Board of California.
- (ab) The Acupuncture Board.
- (ac) The Board of Psychology.
- (ad) The California Board of Podiatric Medicine.
- (ae) The Physical Therapy Board of California.
- (af) The Arbitration Review Program.
- (ag) The Committee on Dental Auxiliaries.
- (ah) The Hearing Aid Dispensers Bureau.
- (ai) The Physician Assistant Committee.
- (aj) The Speech-Language Pathology and Audiology Board.
- (ak) The Osteopathic Medical Board of California.
- (al) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 1.1. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:
- (a) The Dental Board of California.
 - (b) The Medical Board of California.
 - (c) The State Board of Optometry.
 - (d) The California State Board of Pharmacy.
 - (e) The Veterinary Medical Board.
 - (f) The California Board of Accountancy.
 - (g) The California Architects Board.
 - (h) The Bureau of Barbering and Cosmetology.
 - (i) The Board for Professional Engineers and Land Surveyors.



- (j) The Contractors' State License Board.
- (k) Bureau for Private Postsecondary and Vocational Education.
- (l) The Structural Pest Control Board.
- (m) The Bureau of Home Furnishings and Thermal Insulation.
- (n) The Board of Registered Nursing.
- (o) The Board of Behavioral Sciences.
- (p) The State Athletic Commission.
- (q) The Cemetery and Funeral Bureau.
- (r) The State Board of Guide Dogs for the Blind.
- (s) The Bureau of Security and Investigative Services.
- (t) The Court Reporters Board of California.
- (u) The Board of Vocational Nursing and Psychiatric Technicians.
- (v) The Landscape Architects Technical Committee.
- (w) The Bureau of Electronic and Appliance Repair.
- (x) The Division of Investigation.
- (y) The Bureau of Automotive Repair.
- (z) The State Board for Geologists and Geophysicists.
- (aa) The Respiratory Care Board of California.
- (ab) The Acupuncture Board.
- (ac) The Board of Psychology.
- (ad) The California Board of Podiatric Medicine.
- (ae) The Physical Therapy Board of California.
- (af) The Arbitration Review Program.
- (ag) The Committee on Dental Auxiliaries.
- (ah) The Hearing Aid Dispensers Bureau.
- (ai) The Physician Assistant Committee.
- (aj) The Speech-Language Pathology and Audiology Board.
- (ak) The Osteopathic Medical Board of California.
- (al) The California Board of Occupational Therapy.
- (am) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 2. Section 473.15 of the Business and Professions Code is amended to read:

473.15. (a) The Joint Legislative Sunset Review Committee established pursuant to Section 473 shall



review the following boards established by initiative measures, as provided in this section:

(1) The State Board of Chiropractic Examiners established by an initiative measure approved by electors November 7, 1922.

(2) The Osteopathic Medical Board of California established by an initiative measure approved June 2, 1913, and acts amendatory thereto approved by electors November 7, 1922.

(b) The Osteopathic Medical Board of California shall prepare an analysis and submit a report as described in subdivisions (a) to (e), inclusive, of Section 473.2, to the Joint Legislative Sunset Review Committee on or before September 1, 2003.

(c) The State Board of Chiropractic Examiners shall prepare an analysis and submit a report as described in subdivisions (a) to (e), inclusive, of Section 473.2, to the Joint Legislative Sunset Review Committee on or before September 1, 2001.

(d) The Joint Legislative Sunset Review Committee shall, during the interim recess of 2003 for the Osteopathic Medical Board of California, and during the interim recess of 2001 for the State Board of Chiropractic Examiners, hold public hearings to receive testimony from the Director of Consumer Affairs, the board involved, the public, and the regulated industry. In that hearing, each board shall be prepared to demonstrate a compelling public need for the continued existence of the board or regulatory program, and that its licensing function is the least restrictive regulation consistent with the public health, safety, and welfare.

(e) The Joint Legislative Sunset Review Committee shall evaluate and make determinations pursuant to Section 473.4 and shall report its findings and recommendations to the department as provided in Section 473.5.

(f) In the exercise of its inherent power to make investigations and ascertain facts to formulate public policy and determine the necessity and expediency of contemplated legislation for the protection of the public



health, safety, and welfare, it is the intent of the Legislature that the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California be reviewed pursuant to this section.

(g) It is not the intent of the Legislature in requiring a review under this section to amend the initiative measures that established the State Board of Chiropractic Examiners or the Osteopathic Medical Board of California.

SEC. 3. Section 2475 of the Business and Professions Code, as amended by Section 26 of Chapter 655 of the Statutes of 1999, is amended to read:

2475. Unless otherwise provided by law, no postgraduate trainee, intern, resident postdoctoral fellow, or instructor may engage in the practice of podiatric medicine, or receive compensation therefor, or offer to engage in the practice of podiatric medicine unless he or she holds a valid, unrevoked, and unsuspended certificate to practice podiatric medicine issued by the division. However, a graduate of an approved college or school of podiatric medicine upon whom the degree doctor of podiatric medicine has been conferred, who is issued a limited license, which may be renewed annually for up to four years for this purpose by the division upon recommendation of the board, and who is enrolled in a postgraduate training program approved by the board, may engage in the practice of podiatric medicine whenever and wherever required as a part of that program under the following conditions:

(a) A graduate with a limited license in an approved internship, residency, or fellowship program may participate in training rotations outside the scope of podiatric medicine, under the supervision of a physician and surgeon who holds a medical doctor or doctor of osteopathy degree wherever and whenever required as a part of the training program, and may receive compensation for that practice. If the graduate fails to receive a license to practice podiatric medicine under this chapter within two years from the commencement



of the postgraduate training, all privileges and exemptions under this section shall automatically cease.

(b) Podiatric hospitals functioning as a part of the teaching program of an approved college or school of podiatric medicine in this state may exchange instructors or resident or assistant resident podiatrists with another approved college or school of podiatric medicine not located in this state, or those hospitals may appoint a graduate of an approved school as such a resident for purposes of postgraduate training. Those instructors and residents may practice and be compensated as provided in paragraph (1), but that practice and compensation shall be for a period not to exceed one year.

SEC. 4. Section 2475 of the Business and Professions Code, as amended by Section 27 of Chapter 655 of the Statutes of 1999, is repealed.

SEC. 5. Section 1.5 of the Osteopathic Act is amended to read:

Sec. 1.5. In addition to the five members of the Osteopathic Medical Board of California as provided for in Section 1, there shall be four public members on the board. The public members shall not be licensees of any board in Division 2 (commencing with Section 500) of the Business and Professions Code nor of any initiative act referred to in that division. The Governor shall appoint two of the public members and the Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member. The public member shall serve for a term of three years and shall not serve for more than three full consecutive terms.

SEC. 6. The support of the budget, accounting, and personnel functions of the Osteopathic Medical Board of California shall be transferred to the Department of Consumer Affairs, effective July 1, 2001, unless the executive officer of the board and the director agree to an earlier date.

SEC. 7. Section 1.1 of this bill incorporates amendments to Section 101 of the Business and Professions Code proposed by both this bill and SB 1046. It shall only become operative if (1) both bills are enacted



and become effective on or before January 1, 2001, (2) each bill amends Section 101 of the Business and Professions Code, and (3) this bill is enacted after SB 1046, in which case Section 1 of this bill shall not become operative.



Approved _____, 2000

Governor

